

RESOLUTION NO. 01-09-12-01

A Resolution Approving A Precise Implementation Plan, As Amended, For the Project Known As Mill Street Plaza Development.

WHEREAS, Fairwyn Development Corporation (“Fairwyn”) did, in two phases, previously petition the Village of Fontana on Geneva Lake to amend the Village’s zoning ordinance (and accompanying zoning map) with regard to the property described more specifically in Addendum “A”, attached hereto and incorporated herein by reference as if set forth at length herein (the “Subject Property”); and

WHEREAS, the Village did subsequently adopt Ordinance No. 01-05-05-01 rezoning the Subject Property to the Planned Development Zoning District and approving a General Development Plan (“GDP”) for the Subject Property; and

WHEREAS, Fairwyn did subsequently petition the Village for approval of a Precise Implementation Plan (“PIP”) for the Subject Property by filing the components of the PIP on July 18, 2005; and

WHEREAS, the Village did thereafter, on August 8, 2005, approve a PIP for the entirety of the Subject Property as called for by Village Ordinance and in furtherance of the GDP for the Subject Property by Ordinance No. 01-05-05-01; and

WHEREAS, Fairwyn did subsequently petition the Village for an amendment to the PIP for the Subject Property by filing proposed changes in the architectural elevations to condominium unit numbers 202, 301, 601, 701 and 702, which said amendment was filed with the Village on November 17, 2005; and

WHEREAS, the Village did on December 5, 2005 approve an amended PIP for the entirety of the Subject Property as called for by Village Ordinance and in furtherance of the GDP for the Subject Property by Ordinance No. 01-05-05-01; and

WHEREAS, Fairwyn did subsequently petition for the Village for an amendment to the PIP for the Subject Property by filing the paperwork necessary to approve the retail building and the retail use area; and

WHEREAS, the Village did on October 2, 2006 and July 7, 2008 approve amendments to the PIP for the entirety of the Subject Property as called for by Village Ordinance and in furtherance of the GDP for the Subject Property by Ordinance No. 01-05-05-01; and

WHEREAS, the property owner did subsequently petition and receive approval for further amendments to the PIP for the Subject Property by filing Building, Site and Operational Plan amendment applications dated December 16, 2010 and April 11, 2011, attached hereto and incorporated herein as Addendum “B”; and

WHEREAS, the property owner did subsequently petition the Village for a further amendment to the PIP for the Subject Property by filing the paperwork necessary to amend a previously approved

signage options and obligations for the property, all as set forth in said PIP amendment application dated December 14, 2011, attached hereto and incorporated herein as Addendum "C"; and

WHEREAS, the Village Board has been asked to consider the proposed amendment to the PIP as submitted by the property owner and as reviewed by the Plan Commission.

NOW, THEREFORE, BE IT RESOLVED by the Village Board for the Village of Fontana on Geneva Lake, as follows:

SECTION 1.

That the recitals set forth above are incorporated herein by reference as if set forth at length herein.

SECTION 2.

- A. That the proposed amendment to the PIP for the Subject Property, herein defined, is hereby approved, which said PIP is, as a result of this amendment, further amended to include the signage terms outlined in the eight-page PIP Amendment application dated December 14, 2011, which shall control the signage obligations for the unit located at 450 Mill Street, Suite 102, (a business known at this time as "Fontana Family Chiropractic") which said eight pages are attached hereto as Addendum "C" and incorporated herein by reference.
- B. That non-substantive deviations from the details set forth in the PIP for the Subject Property, herein defined, and as previously approved, may be reviewed and approved by the Village of Fontana, acting through the Village Administrator, without the need for additional review of said non-substantive changes by the Village Plan Commission or the Village Board.

PASSED AND ADOPTED by the Village Board for the Village of Fontana-on-Geneva Lake this 9th day of January, 2012.

VILLAGE BOARD OF THE VILLAGE OF
FONTANA ON GENEVA LAKE

By: _____
Arvid Petersen, Village President

Attest: _____
Dennis Martin, Village Clerk

ADDENDUM "A"

Parcel 1:

Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 in Block 11, Original Plat of the Village of Fontana, Walworth county, Wisconsin

Also that portion of the vacated alley lying immediately East of Lot 2, being the West $\frac{1}{2}$ of said alley, and all of the vacated alley lying South of the North line of Lot 3 extended East and the North line of Lot 4 extended West, in said Block 11 of the Village of Fontana, Walworth County, Wisconsin.

Parcel 2:

Lot 1 in Block 3 of the Assessor's Plat No. 1, C.L. Douglass Addition to the Village of Fontana, Walworth County, Wisconsin.

ADDENDUM "B"

Date: April 11, 2011

To: Ron Nyman

From: Scott Burris & John Karabas

Subject: Approval to fly Flags/Outside Seating

We would like approval to fly 3'x5' flags at 441 Mill Street. We would like to each fly/have an "open" flag during business hours. One flag each that displays a slice of pizza and fork & knife in order to signify we are restaurants and one flag each that displays our nations stars and stripes. This is critical to our businesses as many people tell us they have trouble finding our location & cannot tell if we are open as our "open" signs are not bright enough during daylight hours. The flags would be on the East, West, & North sides of our building. The flag holders will be approximately 6' to 10' off the ground.

We would also like to expand our current approval for outdoor seating on the North side of the building. We would each like to have 3 two top tables that have the ability to hold umbrellas especially on "Scotty's" side as he does not have an overhang to protect from the sun.

If you have any questions please contact Scott Burris or John Karabas. Scott can be reached at 262-275-8888...John @ 262-275-1777.

Thank you in advance for your consideration

Sincerely,



Scott Burris & John Karabas



ADDENDUM "B"

VILLAGE OF FONTANA-ON-GENEVA LAKE

175 Valley View Drive • P.O. Box 200

Fontana, Wisconsin 53125

Phone: 262 275-6136

Fax: 262 275-8088

www.villageoffontana.com

May 5, 2011

Scott Burris & John Karabas
441 Mill Street,
Suites 101 and 102
Fontana, WI 53125

Mr. Burris and Mr. Karabas:

This letter constitutes official notification that the Village of Fontana Plan Commission voted at its April 25, 2011 meeting and the Board of Trustees voted at its May 2, 2011 meeting to approve your proposal to each add three two-top tables that have the ability to hold umbrellas in the outdoor seating area on the north side of the building at 441 Mill Street, Fontana, WI.

The proposal was approved as presented, with the conditions that complete Building, Site and Operational Plan amendment applications and cost recovery certificates are filed and the filing fees are paid.

Photocopies of the preliminary meeting minutes and Village of Fontana staff report are enclosed with this letter.

If you require further information, please contact me, Assistant Building Inspector Bridget McCarthy or Building Inspector/Zoning Administrator Ron Nyman at the Fontana Village Hall.

Sincerely,

Dennis L. Martin,
Village Clerk

C: File, Building & Zoning Department

ADDENDUM "B"

Professional Staff Report

441 MILL STREET
Suite #101 and Suite #102
Scotty's Eatery & Spirits
and
Pie High Pizza

JOINT: Building, Site & Operational Plan (BSOP) Amendment

PROPERTY: 441 Mill Street: #101 and 102

APPLICANT: FairWyn Development, Property Owner
Scott Burris, Operator (Scotty's Eatery & Spirits)
John Karabas, Operator (Pie High Pizza)

REQUEST: Approval consideration for required Building, Site & Operational Plan (BSOP) to install signage not approved/allowed on previous BSOP approvals, and additional outdoor seating.

REPORT DATE: April 20, 2011

BACKGROUND:

The property at 441 Mill Street is located in the PD (Planned Development) Zoning District which requires BSOP approval.

It should be noted that this BSOP amendment pertains to the exterior area only and does not include nor affect any other existing portion of the building.

STAFF COMMENT:

Staff has received correspondence dated April 11, 2011, which detailed a request to fly 3'x5' flags depicted with the symbols on them to indicate they are a restaurant from the building. In addition, the operators would like to increase the outdoor seating by 6 tables (three for each business). These tables would hold umbrellas. The correspondence also includes a request to fly the national flag (which does not require approval). No other information, application, or cost recovery has been submitted.

RECOMMENDATION:

Staff recommends approval of the proposed additional seating, contingent upon the receipt of a completed application, payment of filing fee, and a signed cost recovery; however recommends denial of the proposal to fly signage flags in accordance with Section 18-255(a)(2) of the Village of Fontana Municipal Code.

Sec. 18-255. General signage regulations.

- (a) *Sign prohibitions and limitations.*
 - 2. No fluttering, undulating, swinging, rotating, or otherwise moving signs or other decorations, including sequin-like eyecatcher devices, shall be permitted.

ADDENDUM "B"

Building, Site & Operational Plan Proposal Form

RECEIVED
DEC 16 2010
VILLAGE OF FORTANA

Property Information		Tenant Information		
Property Address 441 Mill Street #101 Fontana WI 53125		New Business Name Pie High Pizza		
Property Tax Key # SA 377100002		Type of Business Pizza Restaurant		
Property Owner Brian Pollard		Operator Name John J. Karabas		
Owner Mailing Address 875 Tawline Rd #103		Operator Mailing Address 425 N. Lane Gardens		
City, State, Zip Lake Geneva WI 53147		City, State, Zip Fontana WI 53125		
Owner Phone 262. 248. 0527		Operator Phone 312. 543 3235		
Owner Fax 262. 248. 8082		Previous Business Name & Type Georgie B's Restaurant		
New Business Use/Operation Information				
Description of Business Use or Operation(s) Food & Beverage service - Retail Sale of food & beverage inside leased area				
Hours of Operation (Weekday) 10:30 AM - 10 PM <i>Bar time</i>		Hours of Operation (Weekend) 10:30 AM - 11 PM <i>Bar time.</i>		
# Full time Employees 2	# Part time Employees 3	Total Area of Space (SQF) 1400	Number of restrooms 2	Total Number of toilet fixtures 2
INDOOR Customer Seating? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Seating Capacity: 42	OUTDOOR Customer Seating? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <i>See site plan</i> Seating Capacity: <i>Potential (6)</i>	Drive-through services? NO	Dumpster location & screening description Parking area/Full	
Sprinkler System (y/n) Yes		Hazardous/flammable chemicals used or stored on site (attach MSDS) GAS pizza oven		

Reserve right to modify based on season + Patron level. Will not go beyond "Bar time" hours

(Signature)

Location of Specified Use(s)	
Building/Portion A	See Attached
Building/Portion B	
Building/Portion C	
Do you feel there will be any concerns resulting from this operation, such as Odors, Smoke, Noise, Light, Vibrations, etc.? Please specify.	
Parking	
Dimensions of parking lot	See Attached
Total number of spaces available for compact, regular, and handicap parking	Per Code
Parking lot construction (paved, gravel, grass)	Paved
Is employee parking included in "total number of spaces available"? If separate, dimensions and total spaces of employee parking	
Type of screening (fencing, plantings, etc.)	
N/A	
Signage	
Total number of signs	3 per Application to Village
List signs (existing & proposed) to remain on site: (note: attached site plan must show location of all signs)	
Sign 1: Size _____	Type _____ Location _____
Sign 2: Size _____	Type _____ Location _____
Sign 3: Size _____	Type _____ Location _____
<i>Types of signs include free standing, lighted, single-faced, attached to building, mobile, double faced, banner, etc.</i> <i>Please note, building permits must be applied for and issued prior to installation of signage. BSOP approval does not constitute building permit issuance.</i>	
Entertainment	
Is there any type of music in this proposal? If yes, what kind (live, juke box)? Days and hours when this will be offered to customers?	

Outdoor Lighting

List lighting (existing & proposed) to remain on site: (note: attached site plan must show location of all outdoor lights)

Light 1: Type Per Application Wattage _____ Location _____ Hours of Operation _____

Light 2: Type _____ Wattage _____ Location _____ Hours of Operation _____

Light 3: Type _____ Wattage _____ Location _____ Hours of Operation _____

Utilities

Will you be connected to village: ☐ water ☒ sewer

Is there a private well on site? ☐ yes ☐ no

Date of approval by the Department of Natural Resources of the well for the proposed use

N/A

Date of approval by the County Health Department for existing septic system

N/A

Types of sanitary facilities to be installed for the proposed operation

N/A

Type of refuse disposal: ☐ municipal ☐ private

Surface water drainage facilities (describe or include on site plan)

Already approved

Licenses/Permits

Is a highway access permit required from the State, County or local municipality? ☐ yes ☐ no

Is a liquor license or any other special license required? ☒ yes ☐ no

If yes, what licenses are you applying for? Please note: BSOP approval does not constitute approval or issuance of any required licenses.

Beer + wine — Through Brian Pollard
Already Approved

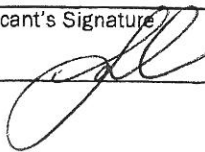
Did Wisconsin State Department of Industry, Labor and Human Relations approve building plans?

☒ yes ☐ no

Signatures

By signing below, I certify that the above information is a true and accurate account of the information requested for my business site and its operation and use. Should an inspection be required, I agree to allow the Building Inspector(s) reasonable access to the site to verify compliance with the Municipality's Ordinance. In addition, I fully understand that completion of this form, or its approval, does not preclude me from complying with all applicable state statutes or municipal ordinances regarding my business and its lawful operation.

Applicant's Signature



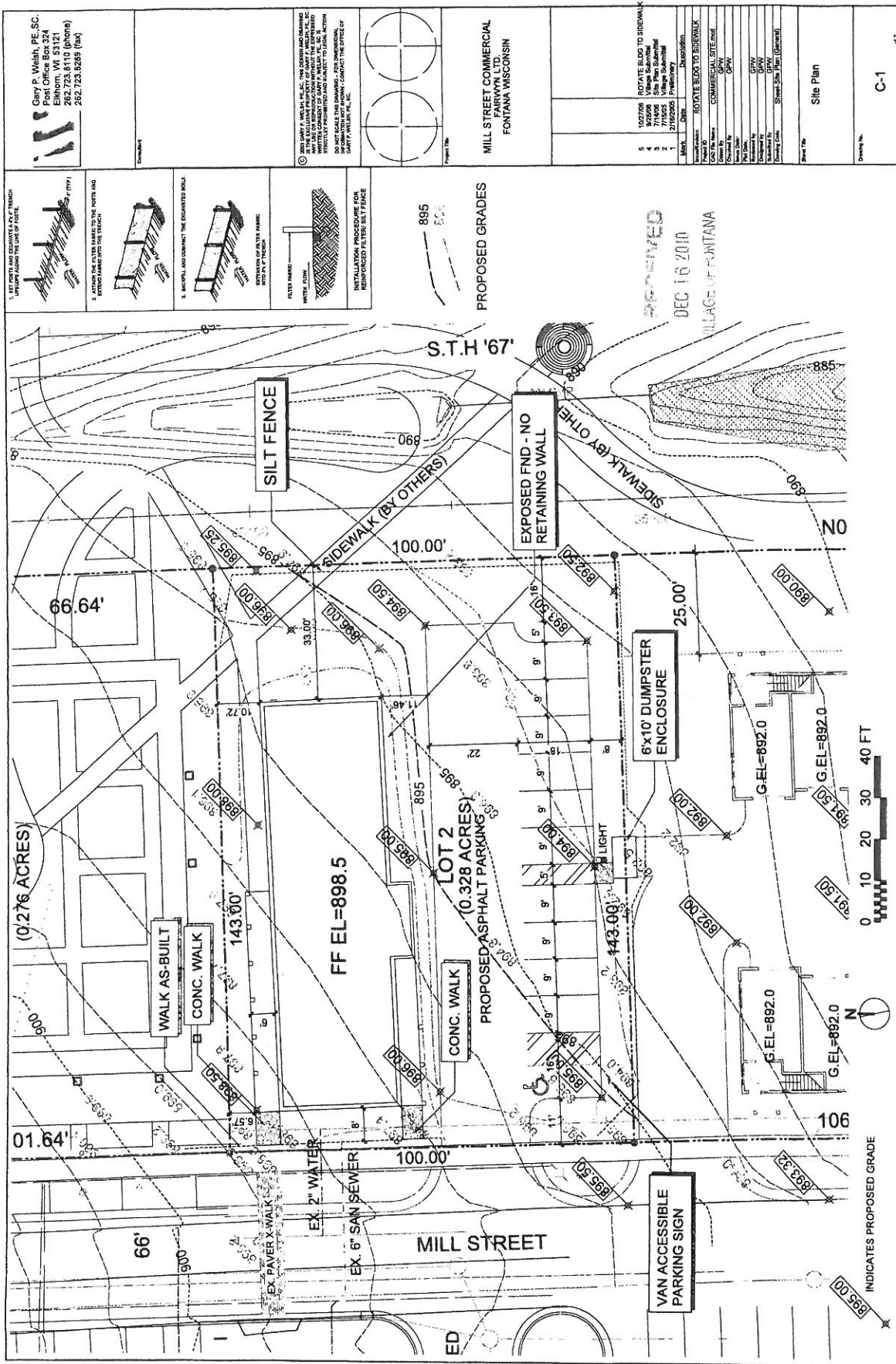
Date

12.16.10

VILLAGE USE ONLY BELOW THIS POINT

Building Department		Zoning Department	
Date Received	Reviewed By	Date Received	Reviewed By
Occupancy Classification	Occupancy Classification Surrounding Units	Property Zoning	Use Permitted <input type="checkbox"/> by right <input type="checkbox"/> by CUP <input type="checkbox"/> by PC approval
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date
Public Works		Village Engineer	
Date Received	Reviewed By	Date Received	Reviewed By
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date
Police Department		Fire Department	
Date Received	Reviewed By	Date Received	Reviewed By
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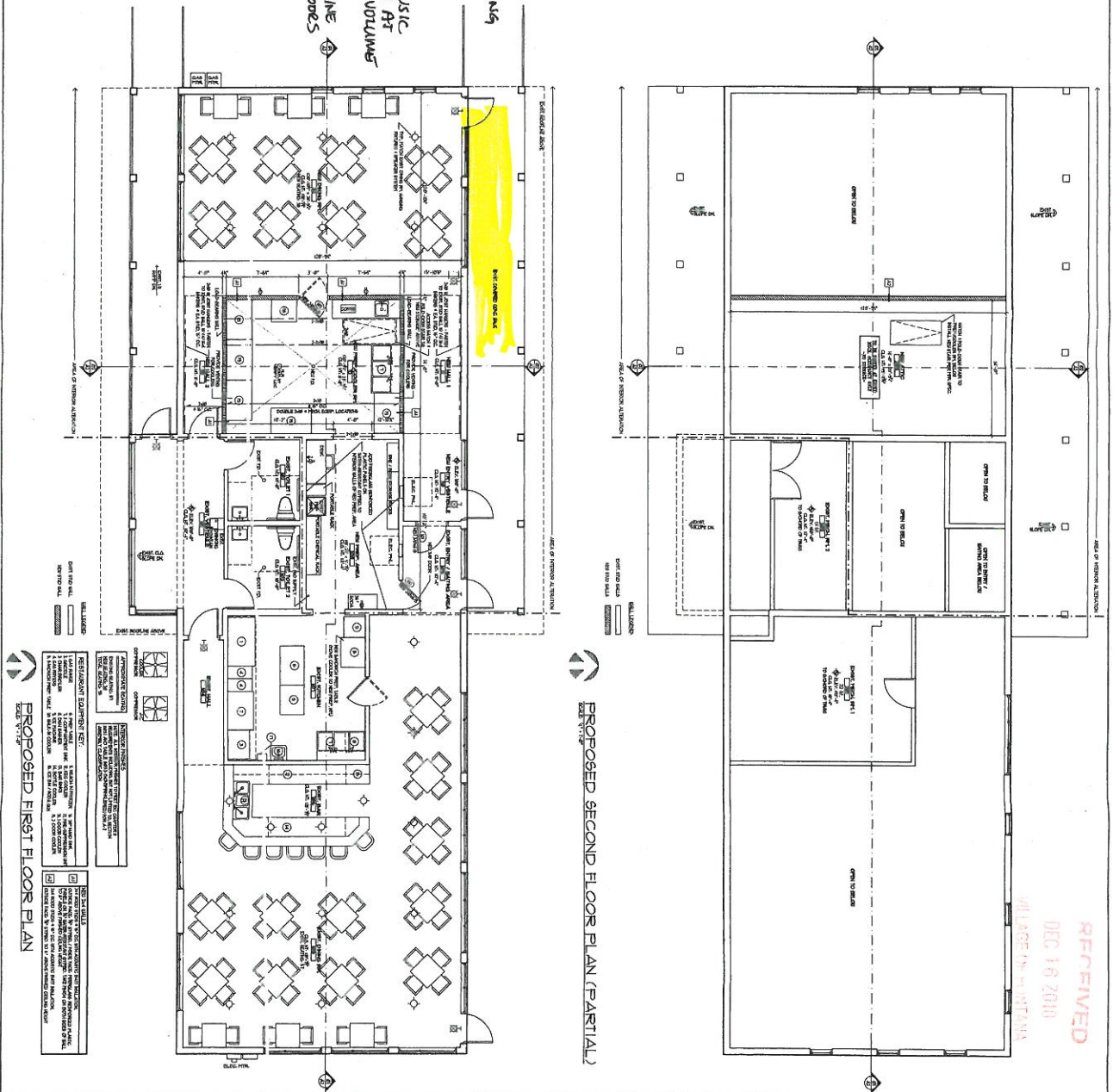
ADDENDUM "B"



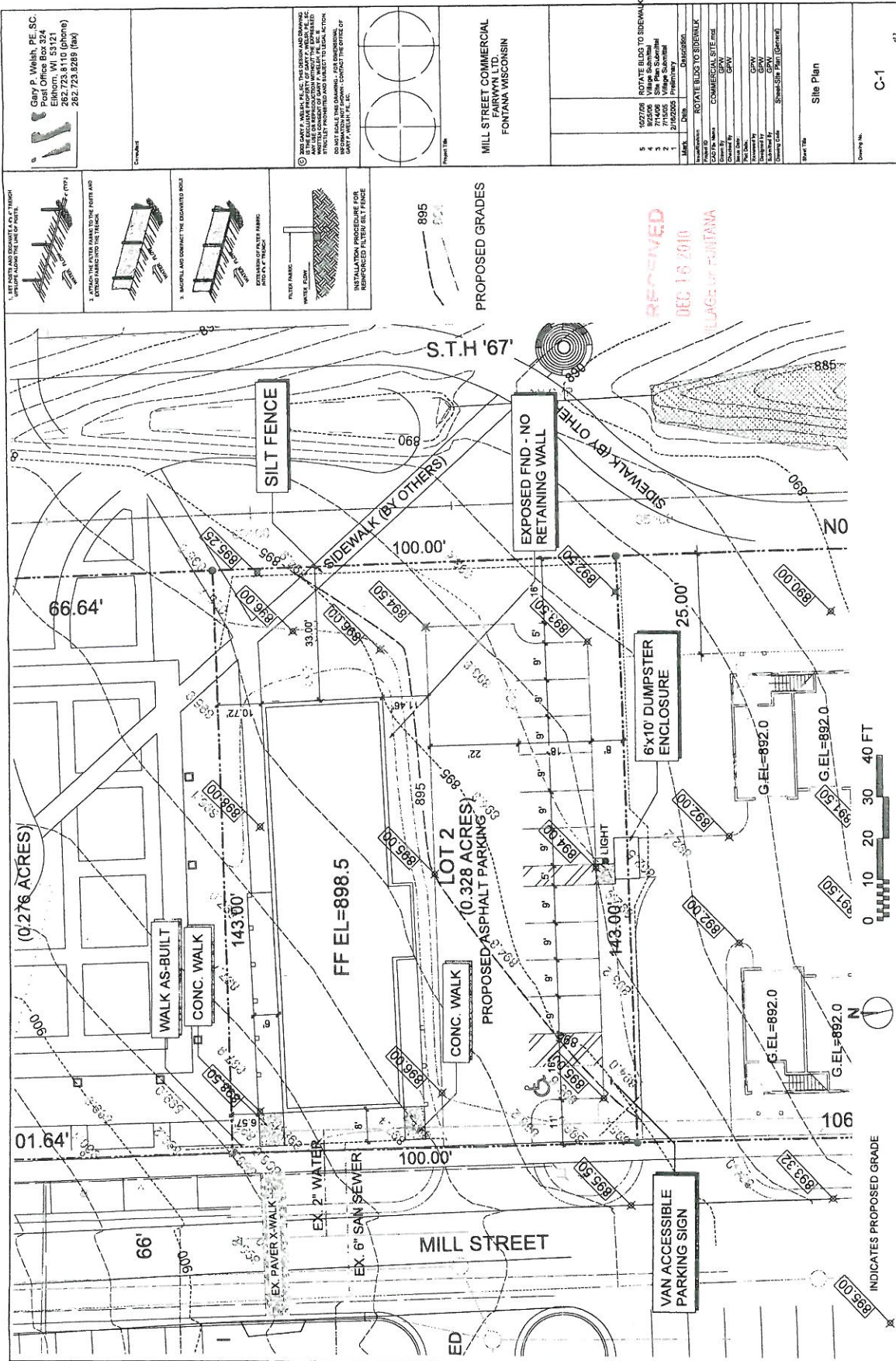
ADDENDUM "B"

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS, UNLESS OTHERWISE SPECIFIED.
2. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE CITY ENGINEER.
3. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
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PROPOSED
OUTDOOR SEATING
3-4 TWO-TOPS
NO LIGHTING
SPEAKERS/MUSIC
DOOR - LOW VOLUME
NO ALCOHOL/RECKLINE
TO BE SERVED OUTDOORS



ADDENDUM "B"





ADDENDUM "B"

VILLAGE OF FONTANA-ON-GENEVA LAKE

175 Valley View Drive • P.O. Box 200

Fontana, Wisconsin 53125

Phone: 262 275-6136

Fax: 262 275-8088

www.villageoffontana.com

January 18, 2011

Pie High Pizza
John J. Karabas
425 N. Lower Gardens Road
Fontana, WI 53125

Dear Mr. Karabas:

This letter constitutes official notification that the Village of Fontana Plan Commission voted at its December 28, 2010 meeting and the Board of Trustees voted at its January 10, 2011 meeting to approve the Building, Site and Operational Plan application that you filed for Pie High Pizza, 441 Mill Street, Suite 101, Fontana, WI.

Photocopies of the preliminary minutes from the respective meetings are enclosed with this letter.

The BSOP application was approved as submitted, with the following six conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits.
2. No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
3. Outdoor music/noise shall not be allowed after 10:00 pm.
4. Outdoor service shall not be allowed after 10:00 pm.
5. Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
6. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

For Building Permit information or any other questions, please contact me, Assistant Building Inspector Bridget McCarthy or Building Inspector/Zoning Administrator Ron Nyman at the Fontana Village Hall.

Sincerely,

Dennis L. Martin,
Village Clerk

C: File, Building & Zoning Department

**441 MILL STREET, Suite #101
Pie High Pizza
Building, Site & Operational Plan (BSOP) Amendment**

PROPERTY: 441 Mill Street: # 101

APPLICANT: FairWyn Development, Property Owner
John Karabas, Operator (Scotty's Eatery & Spirits)

REQUEST: Seeking approval of a BSOP, for a pizza restaurant with beer/wine.

REPORT DATE: December 22, 2010

BACKGROUND:

The property is zoned PD, Planned Development. The building was previously used as a restaurant/bar named "Georgie B's". The proposed business is similar in nature. The property owner holds a beer & wine license. Business activity would be performed inside the structure. The applicant wishes to seek approval of an outdoor dining area which would be an open area parallel to the north elevation of the building. This area would include 3-4 'two top' tables. Alcohol would not be allowed outdoors.

HOURS OF OPERATION

Daily 10:30am – Bar time. It should be noted the applicant reserves the right to operate until as late as normal bar time law allows, contingent upon seasonal demand. Depending on initial demand and seasonal use, the business may close earlier.

BUILDING SITE PLAN

No modification to the existing building is proposed at this time. The applicant must seek approval for modification to the existing building through a BSOP Amendment.

PARKING

No modification to existing parking is proposed at this time. The applicant must seek approval for modification to existing parking through a BSOP Amendment.

EXTERIOR LIGHTING

No modification to existing lighting is proposed at this time. The applicant must seek approval for modification to existing lighting through a BSOP Amendment.

NOISE

The applicant would like to allow live music inside the structure, as well as install one speaker at the door by the outdoor dining area to be used at a low volume. Smoking would be allowed outside so there would be normal conversational noise from that activity.

LANDSCAPING

No modification to existing landscaping is proposed at this time. Green space and landscaping shall not decrease. The applicant must seek approval for modification to existing landscaping through a BSOP Amendment.

DUMPSTER

A dumpster enclosure is located off the parking lot. The applicant should be reminded that the dumpster enclosure should remain closed and all trash should be located within the dumpster at all times.

SIGNAGE

Signage is allowed through a previously approved PIP Amendment on this building. The applicant is seeking a new amendment to the PIP to allow for additional signage. The applicant is seeking one 1'x10' sign on the north elevation, one 4'x5' sign on the east elevation and one 4'x5' sign on the west elevation through the new amendment proposal. In the event that proposal is not approved, the applicant would request current signage sizes and locations to be approved.

ZONING, OCCUPANCY & COMPLIANCE

This BSOP approval shall satisfy the requirements of the Issuance of Certificate of Compliance, as described in accordance with Section 18-304(d).

RECOMMENDATION:

The Department of Building & Zoning Staff recommends approval with the following conditions:

- 1) A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall NOT alleviate the applicant from securing all required permits.
- 2) No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
- 3) Outdoor music/noise shall not be allowed after 10:00pm.
- 4) Outdoor Service shall not be allowed after 10:00pm.
- 5) Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, etc., shall require Village of Fontana approval in the form of an Amendment to the approved Building, Site & Operational Plan and its conditions.
- 6) All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

Building, Site & Operational Plan Proposal Form

RECEIVED
DEC 16 2010
VILLAGE OF FONTANA

Property Information		Tenant Information		
Property Address 441 MILL STREET #102 FONTANA, WI 53125		New Business Name SCOTT'S EATERY & SPIRITS		
Property Tax Key # SA 377400002		Type of Business RESTAURANT / BAR		
Property Owner BRIAN C POLLARD		Operator Name SCOTT R BURRIS		
Owner Mailing Address 875 TOWNLINE ROAD #103		Operator Mailing Address 1150 PARK DRIVE #705		
City, State, Zip LAKE GENEVA, WI 53147		City, State, Zip LAKE GENEVA, WI 53147		
Owner Phone 262-248-0527		Operator Phone 262-203-5148		
Owner Fax 262 248 8082		Previous Business Name & Type GEORGIE B'S - RESTAURANT		
New Business Use/Operation Information				
Description of Business Use or Operation(s) FOOD & BEVERAGE SERVICES- RETAIL SALE OF FOOD & BEVERAGE. INSIDE LEASED AREA				
Hours of Operation (Weekday) * M-THUR 11AM - BAR TIME FRI 7AM - BAR TIME		Hours of Operation (Weekend) SAT. & SUNDAY 7AM - BAR TIME		
# Full time Employees 3	# Part time Employees 5	Total Area of Space (SQF) 1800	Number of restrooms 2	Total Number of toilet fixtures 2
INDOOR Customer Seating? <input checked="" type="checkbox"/> YES NO Seating Capacity:	OUTDOOR Customer Seating? <input checked="" type="checkbox"/> YES NO Seating Capacity: PER PREV APPROVAL	Drive-through services? NO	Dumpster location & screening description PARKING AREA / FENCE (WOOD)	
Sprinkler System (y/n) yes		Hazardous/flammable chemicals used or stored on site (attach MSDS) COOKING OIL FOR DEEP FRYER		

* RESERVE RIGHT TO MODIFY BASED ON SEASON & PATRON LEVELS. WILL NOT GO BEYOND "BAR TIME" LAWS.

Location of Specified Use(s)

Building/Portion A **SEE ATTACHED**

Building/Portion B

Building/Portion C

Do you feel there will be any concerns resulting from this operation, such as Odors, Smoke, Noise, Light, Vibrations, etc.? Please specify.

WOULD LIKE TO RESERVE THE RIGHT TO ALLOW LIVE MUSIC INSIDE STRUCTURE. ALSO, ACOUSTIC GUITAR OUTSIDE IF DECK IS BUILT. I WOULD ALSO LIKE TO ALLOW SMOKING OUTSIDE.

Parking

Dimensions of parking lot **SEE ATTACHED**

Total number of spaces available for compact, regular, and handicap parking

PER CODE 12 EST

Parking lot construction (paved, gravel, grass)

PAVED

Is employee parking included in "total number of spaces available"? If separate, dimensions and total spaces of employee parking

YES

Type of screening (fencing, plantings, etc.)

N/A

Signage

Total number of signs

3 PER APPLICATION TO VILLAGE

List signs (existing & proposed) to remain on site: (note: attached site plan must show location of all signs)

AS DISCUSSED

Sign 1: Size _____ Type _____ Location _____

Sign 2: Size _____ Type _____ Location _____

Sign 3: Size _____ Type _____ Location _____

Types of signs include free standing, lighted, single-faced, attached to building, mobile, double faced, banner, etc.

Please note, building permits must be applied for and issued prior to installation of signage. BSOP approval does not constitute building permit issuance.

Entertainment

Is there any type of music in this proposal? If yes, what kind (live, juke box)? Days and hours when this will be offered to customers?

MAY HAVE LIVE BAND INSIDE STRUCTURE ON SELECTED WEEKEND EVENINGS - 9PM UNTIL CLOSE

Outdoor Lighting

List lighting (existing & proposed) to remain on site: (note: attached site plan must show location of all outdoor lights)

PER APPLICATION

Light 1: Type _____ Wattage _____ Location _____ Hours of Operation _____

Light 2: Type _____ Wattage _____ Location _____ Hours of Operation _____

Light 3: Type _____ Wattage _____ Location _____ Hours of Operation _____

Utilities

Will you be connected to village: ☒ water ☒ sewer

Is there a private well on site? ☐ yes ☒ no

Date of approval by the Department of Natural Resources of the well for the proposed use

N/A

Date of approval by the County Health Department for existing septic system

N/A

Types of sanitary facilities to be installed for the proposed operation

N/A DONE

Type of refuse disposal: ☐ municipal ☒ private

Surface water drainage facilities (describe or include on site plan)

ALREADY APPROVED

Licenses/Permits

Is a highway access permit required from the State, County or local municipality? ☐ yes ☒ no

Is a liquor license or any other special license required? ☒ yes ☐ no

If yes, what licenses are you applying for? Please note: BSOP approval does not constitute approval or issuance of any required licenses.

FULL LIQUOR UNDER SF FOOD + BEVERAGE
BEER APPROVED

Did Wisconsin State Department of Industry, Labor and Human Relations approve building plans?

☒ yes ☐ no

Mild Building owner

Signatures

[Signature]

By signing below, I certify that the above information is a true and accurate account of the information requested for my business site and its operation and use. Should an inspection be required, I agree to allow the Building Inspector(s) reasonable access to the site to verify compliance with the Municipality's Ordinance. In addition, I fully understand that completion of this form, or its approval, does not preclude me from complying with all applicable state statutes or municipal ordinances regarding my business and its lawful operation.

Applicant's Signature

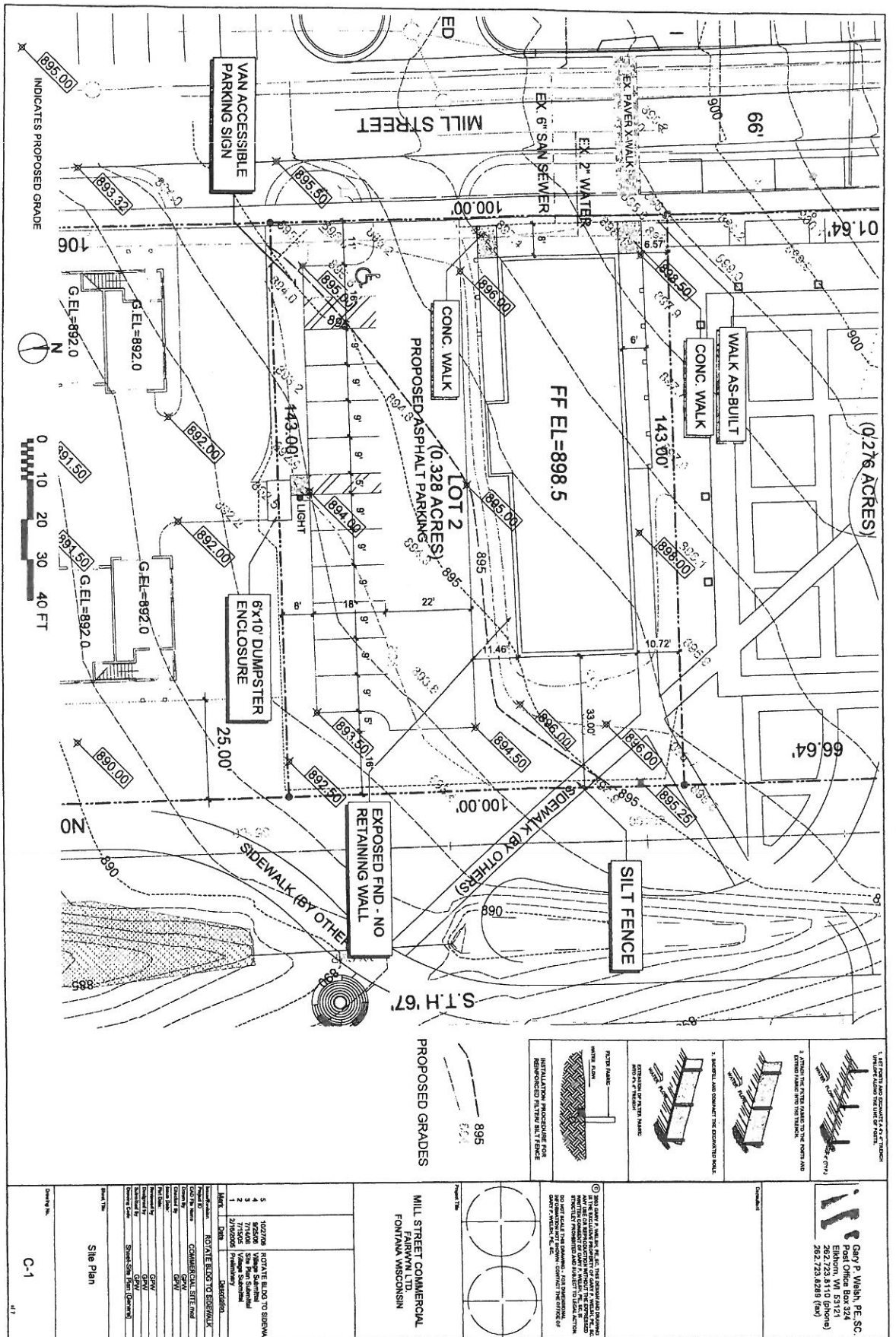
[Signature]

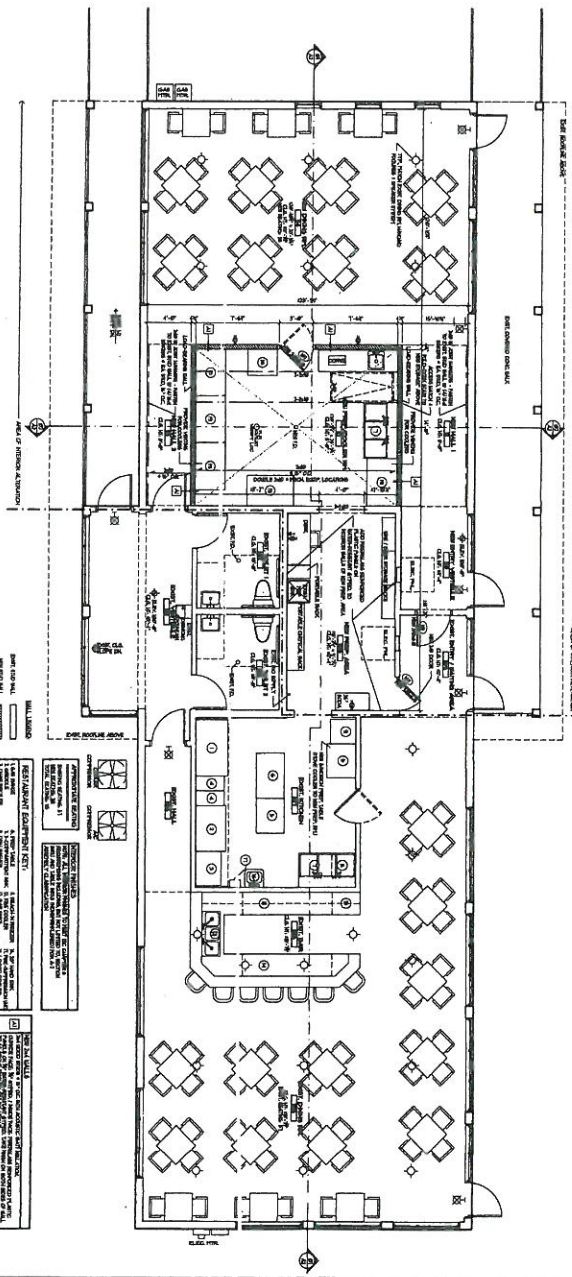
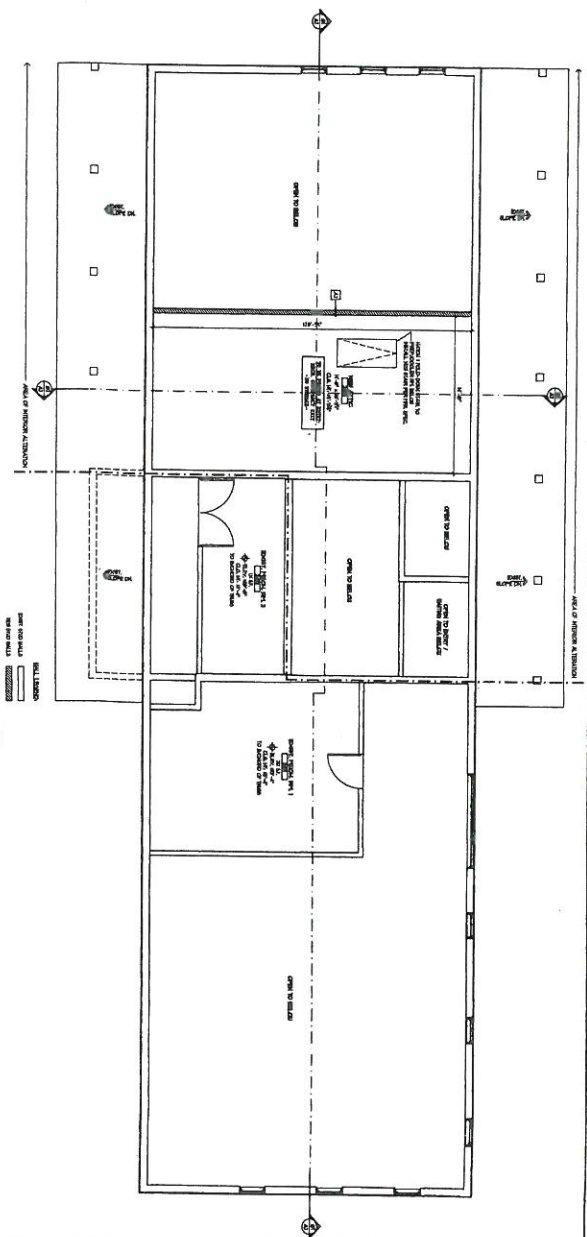
Date

12/16/10

VILLAGE USE ONLY BELOW THIS POINT

Building Department		Zoning Department	
Date Received	Reviewed By	Date Received	Reviewed By
Occupancy Classification	Occupancy Classification Surrounding Units	Property Zoning	Use Permitted <input type="checkbox"/> by right <input type="checkbox"/> by CUP <input type="checkbox"/> by PC approval
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date
Public Works		Village Engineer	
Date Received	Reviewed By	Date Received	Reviewed By
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date
Police Department		Fire Department	
Date Received	Reviewed By	Date Received	Reviewed By
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date	<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED	Initial / Date



[illegible]

PROPOSED SECOND FLOOR PLAN (PARTIAL)

PROPOSED FIRST FLOOR PLAN



WOOD NOTE 6

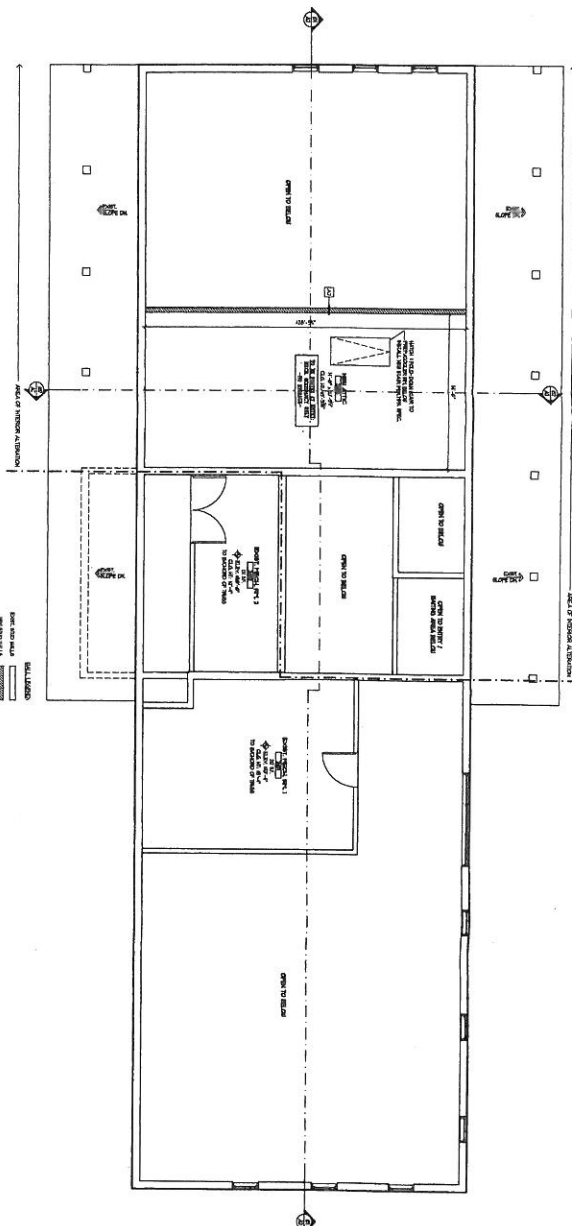
[illegible]

WOOD CONNECTIONS / FASTENERS

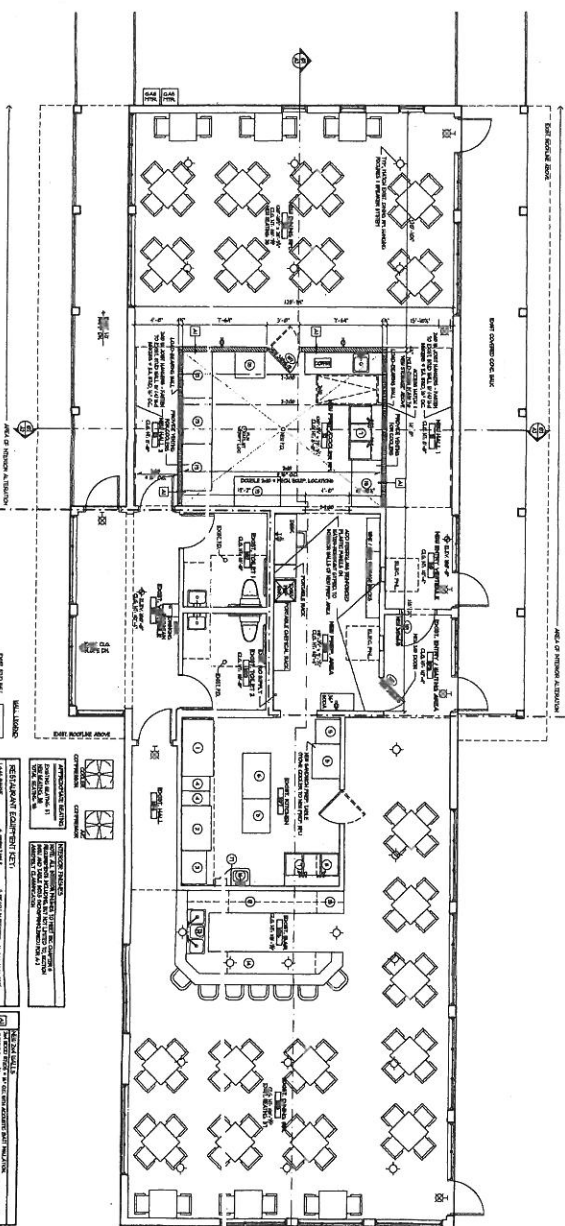
3. ALL THE RESEARCHERS MUST CONSENT TO NOT DISCLOSE ANY DATA OR RESULTS TO ANY OTHER RESEARCHER OR TO ANY OTHER PARTY.
4. ALL THE RESEARCHERS MUST CONSENT TO NOT DISCLOSE ANY DATA OR RESULTS TO ANY OTHER RESEARCHER OR TO ANY OTHER PARTY.
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9. ALL THE RESEARCHERS MUST CONSENT TO NOT DISCLOSE ANY DATA OR RESULTS TO ANY OTHER RESEARCHER OR TO ANY OTHER PARTY.
10. ALL THE RESEARCHERS MUST CONSENT TO NOT DISCLOSE ANY DATA OR RESULTS TO ANY OTHER RESEARCHER OR TO ANY OTHER PARTY.

NAILING SCHEDULE

NAME	ADDRESS	CITY	STATE	ZIP	TELEPHONE	DATE
JOHN A. BROWN	1234 E. 10th St.	OKLAHOMA CITY	OK	73101	234-5678	10/1/78
MICHAEL J. SMITH	5678 N. 15th Ave.	PHOENIX	AZ	85016	345-6789	10/2/78
DAVID L. GARCIA	9012 W. 22nd St.	MIAMI	FL	33147	456-7890	10/3/78
JAMES R. WILSON	3456 S. 10th St.	ALBUQUERQUE	NM	87102	567-8901	10/4/78
SARAH K. JONES	7890 E. 5th St.	DES MOINES	IA	50319	678-9012	10/5/78
ROBERT M. HARRIS	2345 N. 18th St.	MINNEAPOLIS	MN	55412	789-0123	10/6/78
LUCAS P. MARTINEZ	6789 W. 25th St.	SEATTLE	WA	98148	890-1234	10/7/78
ANGELA N. LEE	1011 S. 12th St.	PORTLAND	OR	97202	901-2345	10/8/78
CHRISTOPHER D. WHITE	4567 E. 8th St.	SAN ANTONIO	TX	78204	012-3456	10/9/78
AMANDA R. BLACK	8901 N. 20th St.	HOUSTON	TX	77058	123-4567	10/10/78
ANTHONY J. ROY	2109 W. 14th St.	ATLANTA	GA	30310	234-5678	10/11/78
STEPHANIE L. KING	5432 S. 16th St.	INDIANAPOLIS	IN	46204	345-6789	10/12/78
DAVID E. WALKER	9876 E. 22nd St.	COLUMBIA	SC	29204	456-7890	10/13/78
JENNIFER A. HAYES	3210 N. 10th St.	MEMPHIS	TN	38103	567-8901	10/14/78
KEVIN M. PEREZ	7654 W. 18th St.	CHICAGO	IL	60624	678-9012	10/15/78
ASHLEY N. GIBSON	1098 E. 5th St.	PHILADELPHIA	PA	19106	789-0123	10/16/78
BRANDON J. FORD	4321 S. 12th St.	NEW YORK	NY	10014	890-1234	10/17/78
EMILY R. COOPER	8765 N. 20th St.	BOSTON	MA	02116	901-2345	10/18/78
JUSTIN D. STEVENSON	2109 W. 14th St.	WASHINGTON	DC	20004	012-3456	10/19/78
ADAM L. HUGHES	5432 S. 16th St.	PHOENIX	AZ	85016	123-4567	10/20/78
CHLOE K. FLEMING	9876 E. 22nd St.	MIAMI	FL	33147	234-5678	10/21/78
NOAH M. BAKER	3210 N. 10th St.	ALBUQUERQUE	NM	87102	345-6789	10/22/78
OLIVIA J. MORGAN	7654 W. 18th St.	DES MOINES	IA	50319	456-7890	10/23/78
LUKE R. COLEMAN	1098 E. 5th St.	MINNEAPOLIS	MN	55412	567-8901	10/24/78
ISABEL N. JONES	4321 S. 12th St.	SEATTLE	WA	98148	678-9012	10/25/78
LEONARD D. WALKER	8765 N. 20th St.	PORTLAND	OR	97202	789-0123	10/26/78
GRACE K. PEREZ	2109 W. 14th St.	SAN ANTONIO	TX	78204	890-1234	10/27/78
JOSEPH M. ROY	5432 S. 16th St.	HOUSTON	TX	77058	901-2345	10/28/78
CHARLOTTE L. KING	9876 E. 22nd St.	ATLANTA	GA	30310	012-3456	10/29/78
WILLIAM J. FORD	3210 N. 10th St.	INDIANAPOLIS	IN	46204	123-4567	10/30/78
AMBER R. COOPER	7654 W. 18th St.	COLUMBIA	SC	29204	234-5678	10/31/78
DAVID E. STEVENSON	1098 E. 5th St.	MEMPHIS	TN	38103	345-6789	11/01/78
ADAM L. HUGHES	4321 S. 12th St.	CHICAGO	IL	60624	456-7890	11/02/78
CHLOE K. FLEMING	8765 N. 20th St.	PHILADELPHIA	PA	19106	567-8901	11/03/78
NOAH M. BAKER	2109 W. 14th St.	NEW YORK	NY	10014	678-9012	11/04/78
OLIVIA J. MORGAN	5432 S. 16th St.	BOSTON	MA	02116	789-0123	11/05/78
LUKE R. COLEMAN	9876 E. 22nd St.	WASHINGTON	DC	20004	890-1234	11/06/78
ISABEL N. JONES	3210 N. 10th St.	PHOENIX	AZ	85016	901-2345	11/07/78
LEONARD D. WALKER	7654 W. 18th St.	MIAMI	FL	33147	012-3456	11/08/78
GRACE K. PEREZ	1098 E. 5th St.	ALBUQUERQUE	NM	87102	123-4567	11/09/78
JOSEPH M. ROY	4321 S. 12th St.	DES MOINES	IA	50319	234-5678	11/10/78
CHARLOTTE L. KING	8765 N. 20th St.	MINNEAPOLIS	MN	55412	345-6789	11/11/78
WILLIAM J. FORD	2109 W. 14th St.	SEATTLE	WA	98148	456-7890	11/12/78
AMBER R. COOPER	1098 E. 5th St.	PORTLAND	OR	97202	567-8901	11/13



PROPOSED SECOND FLOOR PLAN (PARTIAL)
SCALE 1/4"=1'-0"



PROPOSED FIRST FLOOR PLAN

<p>APPROXIMATE DURATION</p> <p>20-30 minutes (1)</p> <p>10-15 minutes (2)</p> <p>10-15 minutes (3)</p>		<p>TECHNICAL INSTRUCTIONS</p> <p>1. The subject should be seated in the center of the room.</p> <p>2. The subject should be instructed to remain seated throughout the entire session.</p> <p>3. The subject should be instructed to remain seated throughout the entire session.</p> <p>4. The subject should be instructed to remain seated throughout the entire session.</p>	
<p>RELEVANT EQUIPMENT</p> <p>1. A chair</p> <p>2. A chair</p> <p>3. A chair</p> <p>4. A chair</p> <p>5. A chair</p> <p>6. A chair</p> <p>7. A chair</p> <p>8. A chair</p> <p>9. A chair</p> <p>10. A chair</p>		<p>NOTES</p> <p>1. The subject should be seated in the center of the room.</p> <p>2. The subject should be instructed to remain seated throughout the entire session.</p> <p>3. The subject should be instructed to remain seated throughout the entire session.</p> <p>4. The subject should be instructed to remain seated throughout the entire session.</p>	

PROPOSED FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



ADDENDUM "B"

VILLAGE OF FONTANA-ON-GENEVA LAKE

175 Valley View Drive • P.O. Box 200

Fontana, Wisconsin 53125

Phone: 262 275-6136

Fax: 262 275-8088

www.villageoffontana.com

January 18, 2011

Scotty's Eatery & Spirits
Scott R. Burris
1150 Park Drive, No. 705
Lake Geneva, WI 53147

Dear Mr. Burris:

This letter constitutes official notification that the Village of Fontana Plan Commission voted at its December 28, 2010 meeting and the Board of Trustees voted at its January 10, 2011 meeting to approve the Building, Site and Operational Plan application that you filed for Scotty's Eatery & Spirits, 441 Mill Street, Suite 102, Fontana, WI.

Photocopies of the preliminary minutes from the respective meetings are enclosed with this letter.

The BSOP application was approved as submitted, with the following 10 conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits.
2. All construction (i.e., fencing) shall conform to the Village of Fontana Municipal Code.
3. The approved fencing shall be for a total of 39 feet running parallel to the north wall of the building and shall be of the same materials, color and style of the existing fencing.
4. Fencing along the west portion of the proposed outdoor dining area shall not be allowed.
5. No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
6. Outdoor music/noise shall not be allowed after 10:00 pm.
7. Outdoor service shall not be allowed after 10:00 pm.
8. No additional lighting shall be allowed.
9. Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, signage, etc., shall require Village of Fontana approval in the form of an amendment to the approved Building, Site and Operational Plan and its conditions.
10. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building and zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

For Building Permit information or any other questions, please contact me, Assistant Building Inspector Bridget McCarthy or Building Inspector/Zoning Administrator Ron Nyman at the Fontana Village Hall.

Sincerely,

Dennis L. Martin,
Village Clerk

C: File, Building & Zoning Department

**441 MILL STREET, Suite #102
Scotty's Eatery & Spirits
Building, Site & Operational Plan (BSOP) Amendment**

PROPERTY: 441 Mill Street: # 102

APPLICANT: FairWyn Development, Property Owner
Scott Burris, Operator (Scotty's Eatery & Spirits)

REQUEST: Seeking approval of a BSOP, for a restaurant/bar.

REPORT DATE: December 22, 2010

BACKGROUND:

The property is zoned PD, Planned Development. The building was previously used as a restaurant/bar named "Georgie B's". The proposed business is similar in nature. The property owner holds a beer & wine license. Business activity would be performed inside the structure. The applicant wishes to seek approval of an outdoor dining area which would include the 39'x6' area parallel to the north wall of the building, as well as a future proposed deck. At this time, however, the deck option will not be considered part of the BSOP approval. A separate amendment for the deck would need to be approved at a later date.

HOURS OF OPERATION

Monday through Thursday	11:00am – Bar time
Friday through Sunday	7:00am – Bar time

It should be noted the applicant reserves the right to operate until as late as normal bar time law allows, contingent upon seasonal demand. Depending on initial demand and seasonal use, the business may close earlier.

BUILDING SITE PLAN

No modification to the existing building is proposed at this time, with the exception of extending an existing metal "fence" to create an enclosed 39'x6' outdoor dining area. (This is the exact same proposal Georgie B's had previously proposed.) The same materials as the existing fence will be used. Fencing would be extended (parallel to the north side of the building), however the west end portion cannot be enclosed due to safety concerns, since there would be no other way to exit the area other than scaling the fence.

PARKING

No modification to existing parking is proposed at this time. The applicant must seek approval for modification to existing parking through a BSOP Amendment.

EXTERIOR LIGHTING

No modification to existing lighting is proposed at this time. The applicant must seek approval for modification to existing lighting through a BSOP Amendment.

NOISE

The applicant would like to allow live music inside the structure, as well as allow for acoustic guitar outside on the deck if the deck is ever built. Smoking would be allowed outside so there would be normal conversational noise from that activity.

LANDSCAPING

No modification to existing landscaping is proposed at this time. Green space and landscaping shall not decrease. The applicant must seek approval for modification to existing landscaping through a BSOP Amendment.

DUMPSTER

A dumpster enclosure is located off the parking lot. The applicant should be reminded that the dumpster enclosure should remain closed and all trash should be located within the dumpster at all times.

SIGNAGE

Signage is allowed through a previously approved PIP Amendment on this building. The applicant is seeking a new amendment to the PIP to allow for additional signage. The applicant is seeking one 1'x4' sign on the north elevation, one

4'x5' sign on the east elevation and one 4'x5' sign on the west elevation through the new amendment proposal. In the event that proposal is not approved, the applicant would request current signage sizes and locations to be approved.

ZONING, OCCUPANCY & COMPLIANCE

This BSOP approval shall satisfy the requirements of the Issuance of Certificate of Compliance, as described in accordance with Section 18-304(d).

RECOMMENDATION:

The Department of Building & Zoning Staff recommends approval with the following conditions:

- 1) A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved construction normally requiring a permit. BSOP approval shall NOT alleviate the applicant from securing all required permits.
- 2) All construction (i.e., fencing) shall conform to the Village of Fontana Municipal Code.
- 3) The approved fencing shall be for a total of 39' parallel to the north wall of the building and shall be of the same materials, color and style of the existing fencing.
- 4) Fencing along the west portion of the proposed outdoor dining area shall not be allowed.
- 5) No serving or consumption of alcohol shall be allowed in the outdoor dining area, per Chapter 6 of the Village of Fontana Municipal Code.
- 6) Outdoor music/noise shall not be allowed after 10:00pm.
- 7) Outdoor Service shall not be allowed after 10:00pm.
- 8) No additional lighting shall be allowed.
- 9) Any future proposed modifications of this approved BSOP, including, but not limited to lighting, outdoor music, signage, etc., shall require Village of Fontana approval in the form of an Amendment to the approved Building, Site & Operational Plan and its conditions.
- 10) All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.



Application for Village of Fontana-on-Geneva Lake

175 Valley View Drive • PO Box 200 • Fontana, WI 53125
Phone: 262-275-6136 • Fax: 262-275-8088

Request:

Please check all that apply.

- ☐ Building, Site & Operational Plan: Major (BSOP) \$325.00
☐ Building, Site & Operational Plan: Minor (BSOP) \$125.00
☐ Certified Survey Map (CSM) \$100.00 plus \$25.00 per lot
☐ Conditional Use Permit (CUP) \$325.00
☐ Condominium Plat \$100.00 plus \$50.00 per unit
☐ Final Plat \$100.00 plus \$50.00 per lot
☐ Petition to Amend Zoning & Zoning Map \$325.00
☐ Planned Development (PD) See Rezone, plus all other applicable
☒ **Planned Development Amendment \$325.00**
☐ Preliminary Plat \$100.00 plus \$50.00 per lot
☐ Other: _____ Fee: _____

Date application was received:

RECEIVED

DEC 14 2011

VILLAGE OF FONTANA

Fee Paid:

325.00

Physical Address of Site:

450 Mills + Ste 102

Date: **12/14/11**

Tax Parcel Number:

Project or Development Name:

Fontana Family Chiropractic

Applicant

Name:

JEREMY BRID DC.

Mailing Address:

450 Mill St Ste 102

Fontana WI 53125

eMail:

jbridc@43cychiro.com

Phone:

(262) 275-5005

Owner of Site

Name:

SAME As Above

Mailing Address:

eMail:

Phone:

Legal Representative

Name:

Mailing Address:

eMail:

Phone:

Architect, Engineer, Contractor

Name:

Mailing Address:

eMail:

Phone:

Legal Description of Site (Attach separate sheet if additional space is needed):

450 Mill St Ste 102 sits directly WEST of 441 Mill St on the WEST side of Mill St in Fontana WI

Application for Village of Fontana

Please answer all applicable. Missing or incomplete information may deem this application "incomplete," delaying or prohibiting a review.

Current Zoning of Site: PD Current Overlay Districts of Site: _____

Proposed Zoning of Site: Not Change

Proposed type of structure or use: Don't make stand this structure

Proposed use of structure or site: Professional use

Statement of proposed use of property, with pertinent facts regarding the size of area involved, extent of development, type of operation, etc. (Attach separate sheet if additional space is needed):

on file previously approved

Statement showing compatibility of proposed zoning district and proposed use to the Village Comprehensive Plan: (Attach separate sheet if additional space is needed)

on file previously approved

Statement showing compatibility of proposed zoning district and proposed use with adjacent properties and neighborhoods (Attach separate sheet if additional space is needed):

on file previously approved

Include the names and addresses of all property owners located within 300 feet of the subject property, as measured from all property lines (Attach separate sheet if additional space is needed):

Name	Address
Brian Pollard	441 Mill St.
Brian Pollard	450 Mill St Ste 101
<u>Rest on file previously approved</u>	

Print Applicant's Name: JERRY BRADY Date: 12/11/11

Signature of Applicant: [Signature]

DEC 14 2011

VILLAGE OF FONTANA

Cost Recovery Certificate and Agreement

Pursuant to Ordinance 10-6-97-1 and Section 18.311 of the Village of Fontana Municipal Code

The undersigned applicant hereby acknowledges and agrees to be bound by Ordinance 10-6-97-1 as codified at Section 18.311 of the Municipal Code, providing for Village recovery of all costs and disbursements incurred in the process of considering requests by an Applicant related to the Village of Fontana on Geneva Lake zoning or subdivision code. The Applicant further agrees, in consideration of the Village's hiring of professionals to assist it in the process of reviewing the Applicant request and Village costs incurred therein, to reimburse the Village for all costs recoverable pursuant to the terms of the above numbered ordinance within the time period set forth in the Ordinance.

PROJECT INFORMATION

PROJECT OR DEVELOPMENT NAME Fontana Family Chiropractic
PHYSICAL ADDRESS OF SITE 450 Mill St. Ste 102 Fontana, WI 53125

APPLICANT INFORMATION

RESPONSIBLE PARTY NAME: JEREMY BRIADE
BILLING ADDRESS: 450 Mill St. Ste 102
Fontana, WI 53125
PHONE: (262) 275-5005
EMAIL: jbriade043@yahoo.com

SIGNATURE OF APPLICANT: Dated this 14th day of December, 2011**Note to Applicant:**

The Village Engineer, Attorney and other Village professionals and staff, if requested by the Village to review your request, will bill for their time at an hourly rate which is adjusted from time to time by agreement with the Village. Please inquire as to the current hourly rate you can expect for this work.

In addition to these rates, you will be asked to reimburse the Village for those additional costs set forth in Section 18.311 of the Municipal Code.

SUBMITTAL REQUIREMENTS

IMPORTANT: An application deemed INCOMPLETE shall NOT be placed on any agendas, until such time as the application is deemed COMPLETE. A complete application includes all submittal requirements. Proposals will not be reviewed if deemed incomplete.

NOTE: Please meet with the Building and Zoning Department prior to submitting an application to determine which of the following submittal requirements are applicable to your project.

NOTE: All application materials must be submitted directly to the Village Clerk at least **20 days prior** to the meeting at which official action is anticipated. All required documentation must be submitted as **20 each**, compiled as (5) large sizes, (15) 11x17 sizes and PDF (electronic) file.

	REQUIRED	RECEIVED
Completed Application Form (Page 1 of this packet)	✓	
Signed Cost Recovery (Page 2 of this packet)	✓	
Completed BSOP Application Form (available from the Building & Zoning Office)		
Completed Petition to appear before Zoning Board of Appeals Application Form		
Copies of all previous approvals issued for subject property.	✓	
Certified Survey of Property depicting all easements, deed restrictions, primary or secondary environmental overlay districts, etc.	✓	
Project Cover Letter	✓	
(A) Site Plan	✓	
(B) Topography & Grading Plan		
(C) Erosion Control & Stormwater Management Plan		
(D) Environmental Checklist		
(E) Building/Construction Plan		
(F) Parking Plan		
(G) Landscape Plan		
(H) Signage Plan		
(I) Lighting Plan		
(J) Material Presentation Board		

Note - Two or more plans may be combined, but in no case shall the combined plan fail to show any of the items required for each individual plan. For example, site plans and landscape plans may be suitable for combination. Additional information and documentation may be necessary depending on the nature and scope of the proposed project. Please consult with the Building and Zoning Department prior to submitting an application. Certain submittal elements required herein may be waived by the Zoning Administrator if it is determined that such element is considered unnecessary for an accurate review and application of Performance Standards.

REVIEWS

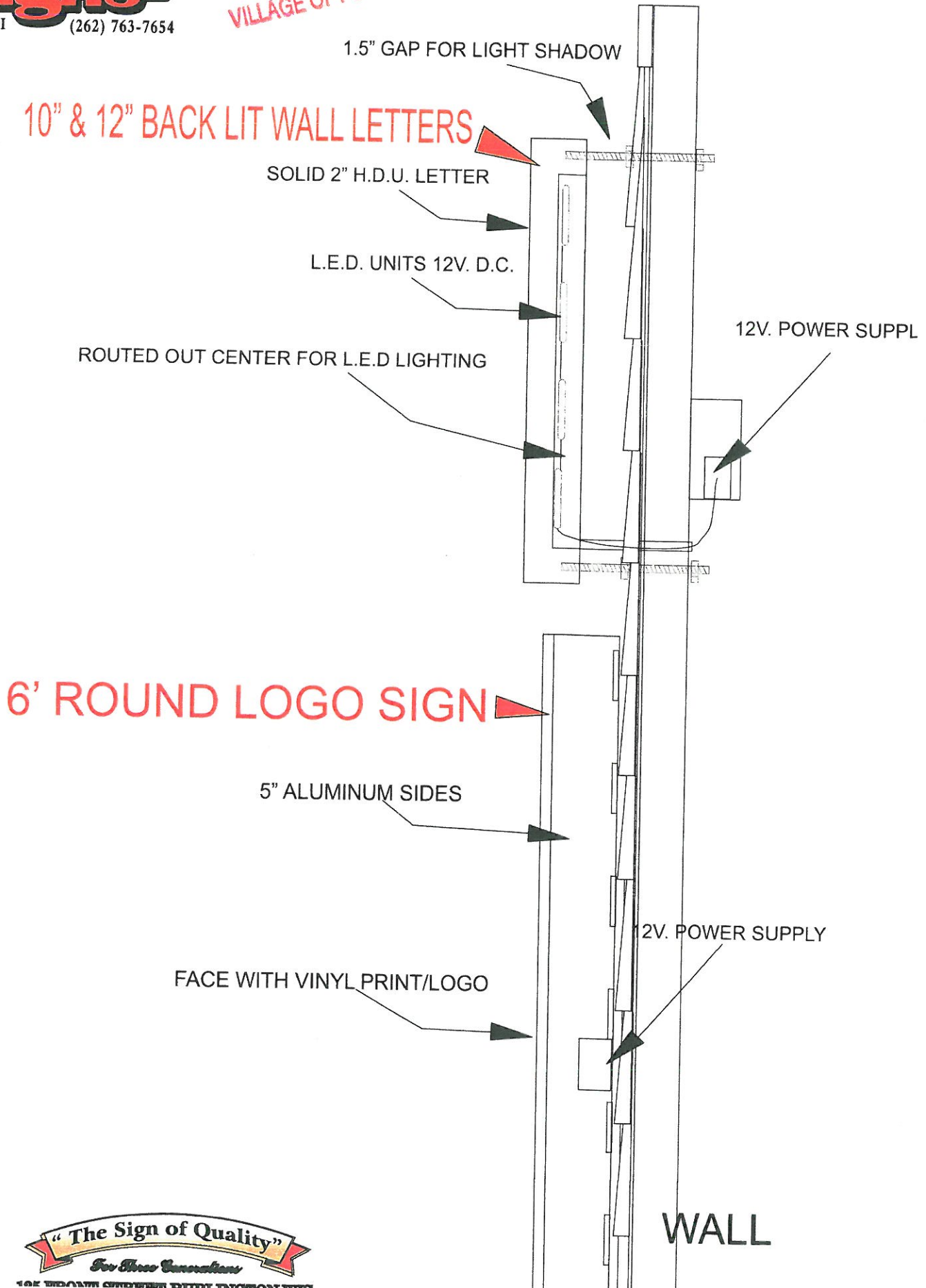
	REQUIRED	RECEIVED
Building Department		
Zoning Department		
Village Attorney		
Village Planner		
Village Engineer		
Public Works		
Police Department		
EMT/Rescue Department		
Fire Department		
School District		
Local Post Office		
State and/or County Transportation		
Other:		

RECOMMENDATIONS & APPROVALS

	REQUIRED	DATE
Community Development Authority (CDA)		
Extraterritorial Zoning Committee (ETZ)		
Plan Commission (PC)		
Public Hearing		
Village Board (VB)		
Other:		

RECEIVED
DEC 14 2011
VILLAGE OF FONTANA

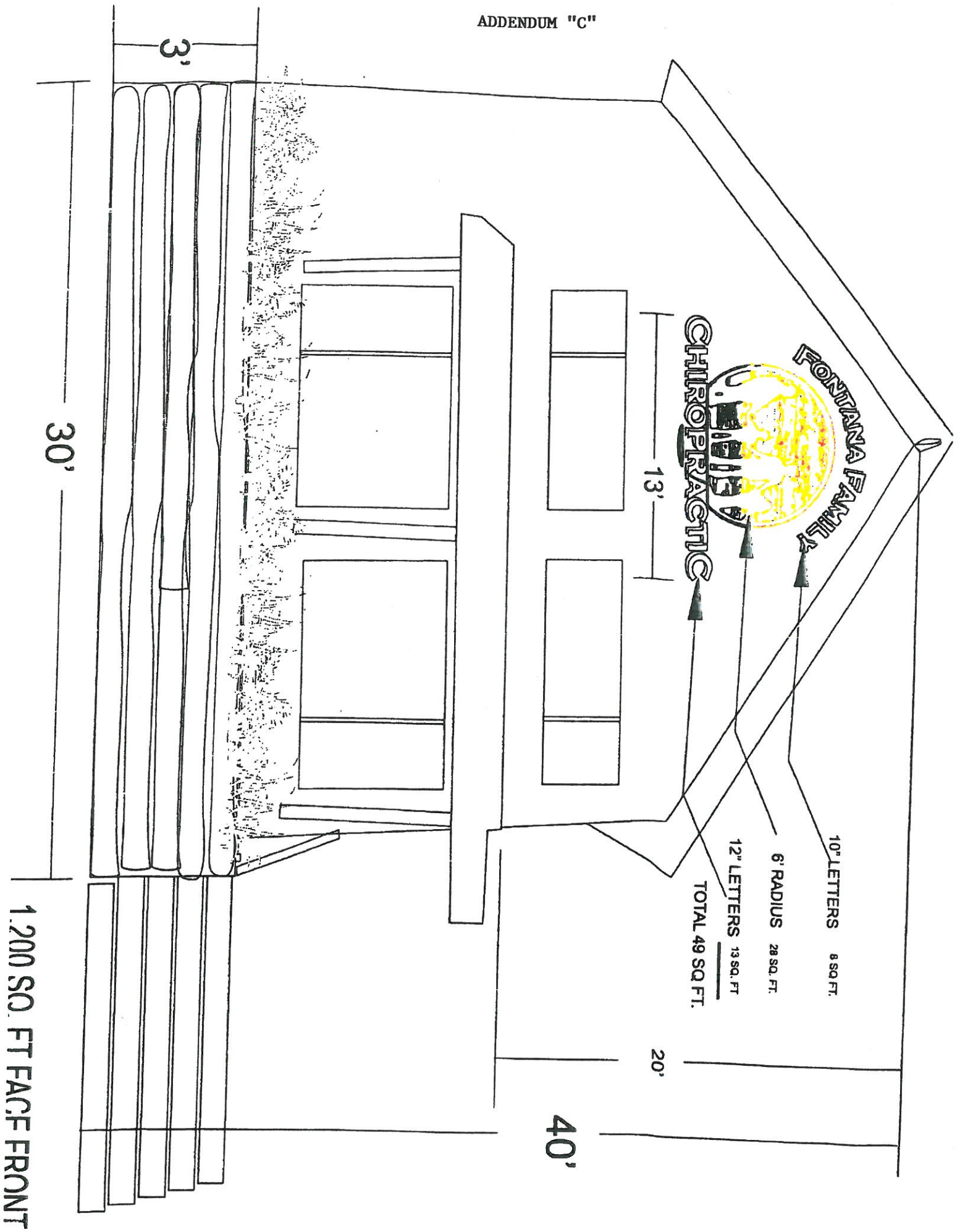
ADDENDUM "C"



FONTANA FAMILY

CHIROPRACTIC

14 4:56PM



1,200 SQ. FT. FACE FRONT